

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 5:00 P.M. APRIL 16, 1996

PRESENT:

Steve Bradhurst, Chairman
Grant Sims, Vice Chairman
Joanne Bond, Commissioner
Mike Mouliot, Commissioner
Jim Shaw, Commissioner

Betty Lewis, Chief Deputy County Clerk
John MacIntyre, County Manager
Madelyn Shipman, Legal Counsel

The Board met in regular session at the Incline Village Recreation Center, Meeting Rooms 1 and 2, 980 Incline Way, Incline Village, Nevada. The Clerk called the roll and the Board conducted the following business:

96-321 WORK CARD PERMIT APPEAL - DAVID J. DAVIES

This appeal was considered on MONDAY, APRIL 15, 1996, prior to the Caucus meeting, the Board having convened, with all members of the Board present and Chairman Bradhurst presiding, to consider the appeal of DAVID J. DAVIES of the Sheriff's denial of his work permit application for child care at Noah's Ark Child Center.

On motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, the Board convened in closed personnel session to hear testimony as to why the work card should or should not be granted. The appellant was present to offer testimony during the closed personnel session as was Debi Williams, Records Section of the Sheriff's office. The Board then reconvened in open session wherein the following action was taken.

On motion by Commissioner Mouliot, seconded by Commissioner Bond, which motion duly carried, Chairman Bradhurst ordered that the denial by the Sheriff to DAVID J. DAVIES for a work card to work at NOAH'S ARK CHILD CENTER be overturned and the work permit granted.

96-322 WORK CARD PERMIT APPEAL - NORMAN F. SLIGAR

This appeal was considered on MONDAY, APRIL 15, 1996, prior to the Caucus meeting, the Board having convened, with all members of the Board present and Chairman Bradhurst presiding, to consider the appeal of NORMAN F. SLIGAR of the Sheriff's denial of his work permit application as a security guard for Loomis Armored.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, the Board convened in closed personnel session to hear testimony as to why the work card should or should not be granted. The appellant was present to offer testimony during the closed personnel session as was Debi Williams, Records Section of the Sheriff's office. The Board then reconvened in open session wherein the following action was taken.

On motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that the denial by the Sheriff to NORMAN F. SLIGAR for a work card to work at LOOMIS ARMORED be overturned and the work permit granted.

AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that the agenda for the April 16, 1996, meeting be approved.

PUBLIC COMMENTS

Don Kornreich, Incline Village resident, advised that the next time the Board schedules a meeting at Incline Village, they should not schedule it on the same Tuesday that the Incliners meet; that the General Plan Team feels that Romany Woodbeck, Department of Comprehensive Planning, is a very dedicated and very competent person; and that working with her was a pleasure. He then distributed a copy of a UC Davis report regarding air quality from 1989 to 1994 at Lake Tahoe.

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The Board convened as the GAMING LICENSE BOARD.

96-323 GAMING LICENSE - FLAMINGOS PIZZERIA

Upon recommendation of Richard Kishpaugh, Business License Division, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Bradhurst ordered that a gaming license be approved for Flamingos Pizzeria, 907 Tahoe Boulevard, No. 3, Incline Village, Nevada. It was noted that this business was approved by the Nevada State Gaming Commission on January 25, 1996.

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The Board reconvened as the BOARD OF COUNTY COMMISSIONERS

MINUTES

On motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that the minutes of the meetings of March 15 and 19, 1996, be approved.

96-324 SEXUAL ASSAULT - MEDICAL CARE - PAYMENT

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that payments with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care and follow-up medical or psychological treatment for 11 sexual assault victims in an amount totaling \$3,989.49 as set forth in a memorandum from Vickie Wedow, Administrative Assistant, District Attorney's Office, dated April 2, 1996, and placed on file with the Clerk.

96-325 NEW AND REVISED EMPLOYEE CLASSIFICATIONS - PERSONNEL

Upon recommendation of the Personnel Committee and Joanne Ray, Personnel Division, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the following new and revised employee classifications, as outlined in the agenda memorandum from Ms. Ray dated April 5, 1996, be approved:

NEW CLASSIFICATIONS:

1. Student/Community Liaison Specialist, Code 2208, Grade W070
2. Sheriff's Records Section Manager, Code 2218, Grade Y220

REVISED CLASSIFICATIONS:

1. Microfilm Equipment Operator I, Code 0202, Grade W070
2. Microfilm Equipment Operator II, Code 0203, Grade W130

It was noted that the recommendation also included consideration of a new classification of Supervisor, Licensing and Enforcement, which is being deleted for the time being as it is part of the organizational restructuring effort and will be brought back to the Board at a later date.

Upon recommendation of Joanne Ray, Personnel Division, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the following revised pro tem Justice of the Peace list be approved:

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| 1. Edwin T. Basl, Esq. | 23. Richard F. Cornell, Esq. |
| 2. Kevin R. Karp, Esq. | 24. Nancy Moss Ghush, Esq. |
| 3. Robert F. Butler, Esq. | 25. David H. Hamilton, Esq. |
| 4. James C. Van Winkle, Esq. | 26. C. Coe Swobe, Esq. |
| 5. Douglas Alan Emerick, Esq. | 27. Michael E. Cirac, Esq. |
| 6. Kenneth R. Howard, Esq. | 28. Paul E. Ferguson, Esq. |
| 7. D. G. Menchetti, Esq. | 29. John Flangas, Esq. |
| 8. Karen S. Caldwell, Esq. | 30. Felix F. Stumpf, Esq. |
| 9. Patricia D. Cafferata, Esq. | 31. Donald L. Soderberg, Esq. |
| 10. Kevin P. Ryan, Esq. | 32. Herbert F. Ahlswede, Esq. |
| 11. Michael P. Lindell, Esq. | 33. Thomas W. Gruesen, Esq. |
| 12. Steven E. Kroll, Esq. | 34. Richard Roche, Esq. |
| 13. Laurance M. Hyde, Jr., Esq. | 35. James J. Kelly, Esq. |
| 14. Harold G. Albright, Esq. | 36. Kim Hagerty, Esq. |
| 15. John E. Oakes, Esq. | 37. Stephen Scheerer, Esq. |
| 16. Jonathan H. King, Esq. | 38. Robert Angres, Esq. |
| 17. Cheryl Field-Lang, Esq. | 39. Gayle Holderer, Esq. |
| 18. William M. O'Mara, Esq. | 40. Alan Tiras, Esq. |
| 19. David C. McElhinney, Esq. | 41. Steve Grumer, Esq. |
| 20. Thomas J. Gaffney, Esq. | 42. John C. Rogers, Esq. |
| 21. Craig I. Ihara, Esq. | 43. James Vernon, Esq. |
| 22. James N. Klaber, Esq. | 44. Bradley Elley, Esq. |

96-327 REIMBURSEMENT OF TRAVEL EXPENSES - CANDIDATES - MANAGER OF ROAD OPERATIONS AND MAINTENANCE RECRUITMENT - PERSONNEL

Upon recommendation of Joanne Ray, Personnel Division, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that reimbursement of travel expenses for three out-of-town finalists who were interviewed for the Manager of Road Operations and Maintenance position be approved.

96-328 INTERFUND TRANSFER - SOCIAL SERVICES (GENERAL FUND) TO PUBLIC WORKS CONSTRUCTION FUND - KIDS KOTTAGE II

Upon recommendation of Lisa Gianoli, Finance Division, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the following "Schedule of Interfund Transfer: General Fund (Social Services budget) to Public Works Construction Fund" to pay for a portion of the costs of construction of Kids Kottage II be approved and the Comptroller be directed to make the necessary entries:

- To record interfund transfer of appropriations:

Decrease Account	Amount	Increase Account	Amount
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001-1773-7424	\$225,000.00	001-1885-8192	\$225,000.00
092-9225-6901 (revenue)	\$225,000.00	092-9225-7880 (expend)	\$225,000.00

2. To record cash transfer:

Decrease Account	Amount	Increase Account
001-0000-1001	\$225,000.00	092-0000-1001

96-329 ACCEPTANCE OF GRANT - HAZARDOUS MATERIAL EMERGENCY PLANNING - EMERGENCY MANAGEMENT

Upon recommendation of Press Clewe, Emergency Management, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that a State of Nevada Emergency Response Commission Hazardous Material Emergency Planning grant in the amount of \$5,100.00 be accepted.

96-330 NORTH VALLEYS CITIZEN ADVISORY BOARD - RESIGNATIONS AND APPOINTMENTS

Upon recommendation of Leslie Roylance, Comprehensive Planning, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the resignation of Mark Palmer, effective immediately, as an At-Large representative on the North Valleys Citizen Advisory Board be accepted and that Kelvin M. Probasco be appointed to fill the position with a term to expire June 30, 1997.

96-331 VERDI TOWNSHIP CITIZEN ADVISORY BOARD - RESIGNATIONS AND APPOINTMENTS

Upon recommendation of Leslie Roylance, Comprehensive Planning, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the resignation of Michael Nitz, effective immediately, as an At-Large representative on the Verdi Township Citizen Advisory Board be accepted and that William A. Baker be appointed to fill the position with a term to expire June 30, 1997.

96-332 CORRECTION OF FACTUAL ERRORS - 1995/96 UNSECURED TAX ROLL - ASSESSOR

Upon recommendation of Tom Sokol, Assistant Chief Deputy Assessor, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Roll Change Requests, correcting factual errors on tax bills already mailed, be approved for the reasons stated thereon and mailed to the property owner, a copy of which has been placed on file with the Clerk. It was further ordered that the Order on each roll change directing the Treasurer to correct the error be approved and Chairman Bradhurst be authorized to execute on behalf of the Commission.

Centerline Collision	Personal Property ID No. 2/136-001	1995/96 Unsecured Roll
Ron Mestre	Personal Property ID No. 2/190-981	1995/96 Unsecured Roll
Reno Exercise Center	Personal Property ID No. 2/689-036	1995/96 Unsecured Roll

96-333 AWARD OF BID - 1995/96 PAVING OVERLAY OF SELECTED STREETS IN THE TRUCKEE MEADOWS - ENGINEERING

This was the time to consider award of bid, Notice to Contractors for receipt of sealed proposals having been published in the Reno Gazette-Journal on March 21 and 28, 1996, for the 1995/96 Paving Overlay of Selected Streets in the Truckee Meadows Area, Washoe County, Nevada, on behalf of the Department of Public Works, Engineering Division. Proof was made that due and legal notice had been given.

Following is a summary of the bids received for the base bid and alternates 1 through 5:

Granite Construction	\$ 950,950.00
Canyon Creek	\$1,127,662.75
Bertagnolli	\$1,234,185.00
Sierra Nevada Construction	\$1,290,836.00
Frehner Construction	\$1,340,045.00

County Manager John MacIntyre stated that as per the request at Caucus, copies of a list of the streets to be done in Incline Village are available on a table at the back of the meeting room.

Upon recommendation of Greg Belancio, Engineering, through Craig McConnell, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the bid for the 1995/96 Paving Overlay of Selected Streets in the Truckee Meadows Area, Washoe County, Nevada, be awarded to the low bidder, Granite Construction Company, for the base bid and alternates 1, 2, 3, 4, and 5, in the estimated amount of \$950,950.00 and that Chairman Bradhurst be authorized to execute the contract documents when presented.

96-334 SELECTION OF FIRMS TO PROVIDE TESTING AND ASSOCIATED SERVICES FOR FY95/96 ROAD OVERLAY/ SURFACE TREATMENT PROGRAM AND FY96/97 PAVING UNSURFACED ROADS - ENGINEERING

Upon recommendation of Greg Belancio, Engineering Division, through Craig McConnell, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following firms be selected to provide the subject services in regard to Testing and Associated Services for the FY95/96 Washoe County Road Overlay/Surface Treatment Program (Truckee Meadows and Incline Village areas) and the FY96/97 Project for Paving of Unsurfaced Roads:

1. SEA, Incorporated, for the Truckee Meadows area overlay project.
2. Lumos & Associates for the Incline Village area overlay project.
3. AGRA Earth and Environmental, Inc., for the slurry sealing project in both areas.
4. Harding Lawson Associates for the paving of unsurfaced roads for the Fiscal Year 1996/97 Project, if funded by the Board.

It was further ordered that staff be directed to negotiate separate contracts for these services for subsequent Board approval.

96-335 AGREEMENT - SECURITY SERVICES -RENO RODEO ASSOCIATION - SHERIFF

Upon recommendation of Sheriff Richard Kirkland, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that an agreement between Washoe County, the Sheriff of Washoe County, and the Reno Rodeo Association concerning the provision of security services by off-duty personnel for the 1996 Reno Rodeo be approved and Chairman Bradhurst be authorized to execute on behalf of Washoe County.

96-336 SUBMISSION OF EDWARD BYRNE MEMORIAL STATE AND LOCAL LAW ENFORCEMENT GRANT - GRAFFITI ERADICATION PROGRAM - SHERIFF

Upon recommendation of Sheriff Richard Kirkland, on motion by Commissioner Mouliot, seconded by Commissioner Bond, which motion duly carried, it was ordered that submission of a mutual grant with the Reno Police Department to the Edward Byrne Memorial State and Local Law Enforcement Grant Program for a grant to equip and staff a Graffiti Eradication Program for the City of Reno and the unincorporated areas of Washoe County be approved and Chairman Bradhurst authorized to execute on behalf of Washoe County.

96-337 ACCEPTANCE OF GRANT - OFFICE OF TRAFFIC SAFETY STEP GRANT - SHERIFF

Upon recommendation of Gary Goelitz, Finance Division, on motion by Commissioner Shaw, seconded by Commissioner Sims, which motion duly carried, Chairman Bradhurst ordered that: (1) the submittal of a grant to the Office of Traffic Safety in the amount of

\$5,100 be retroactively approved; (2) acceptance of the grant be acknowledged; and (3) the Finance Division be directed to review the County's existing and proposed financial policies, in particular those associated with submittal of grants, with the management team of the Sheriff's Department.

96-338 DONATION OF \$2,500 FROM THE SHERIFF'S FEDERAL NARCOTICS ASSET FORFEITURE FUND TO AMBASSADOR PRODUCTIONS

Upon recommendation of Gary Goelitz, Finance Division, on motion by Commissioner Mouliot, seconded by Commissioner Bond, which motion duly carried, Chairman Bradhurst ordered that a donation of \$2,500 from the Federal Narcotics Asset Forfeiture Fund to Ambassador Productions, Reverend Don Butler, for use in anti-drug and gang diversion programs and events during the summer be approved and that funding for Ambassador Productions continue to be provided by Federal Narcotics Asset Forfeiture Funds unless such funds are no longer available.

96-339 RESOLUTION - PUBLIC TV CHANNEL ASSIGNMENTS - CONTINENTAL CABLEVISION AND TCI CABLEVISION

John Balentine, Purchasing and Contracts Administrator, stated that the recommended action is to request that the cable television companies fix channel locations for PEG (public/educational/government) channels and to give adequate notice of any channel changes. He distributed a fact sheet from the Federal Communications Commission regarding the latest information on the Cable Television Act. He also reminded everyone that the County's authority extends only to the basic channels and then only to the rates for same and the equipment necessary to ensure that subscribers can receive those signals in their homes; and that other than that, the County does have some input as to what's carried, but only in a recommendation status. Mr. Balentine further advised that pursuant to the franchise agreements, when a cable company has 44 channels, the community is entitled to 1 PEG channel; and that at 45 or more channels, the community is entitled to 2 PEG channels.

Paul Schmidt, Lake Tahoe Public TV, stated that their station does not meet the criteria of being a government station; and that, although they have had a good working relationship with TCI Cablevision on the local level, they are concerned about being booted off the system because of all the changes in the industry and the new Telecommunications Act. He relayed some of the history of LTPTV and the community services they provide and answered questions of the Board.

Judge Smith, TCI Cablevision, stated that they have carried LTPTV for many years not because they were required to, but because they wanted to; and that because of the competitive environment created by the latest FCC changes and the way the business is changing, he cannot commit a channel or commit to giving more than 30 days notice of channel changes.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Bradhurst be authorized to execute on behalf of Washoe County:

RESOLUTION -- Urging Continental Cablevision and TCI Cablevision to assign permanent locations to PEG channels and to give 90 days advance notice of changes to PEG channel locations.

WHEREAS, The Cable Television Consumer Protection and Competition Act of 1992, provided that Public, Educational and Government (PEG) channels be carried by Cable TV Operators; and

WHEREAS, The Washoe County Franchise Agreements for both Continental Cablevision and TCI Cablevision require at least one PEG channel and when channel count reaches 45 channels, that two (2) channels be designated for PEG use; and

WHEREAS, Service consumers come to expect certain programming on specific channels at specific times; and

WHEREAS, PEG channel operators such as SNCAT TV and Lake Tahoe Public TV invest much time, effort and funds in programming and promoting their services; now, therefore, be it

RESOLVED, that the Board of Washoe County Commissioners urges Continental Cablevision and TCI Cablevision to assign the PEG channels to permanent locations within their channel line-ups; and be it further

RESOLVED, that should those PEG channel locations be changed in the future, the Board of County Commissionersurges Continental Cablevision and TCI Cablevision to give at least 90 days advance notice of such changes to PEG Channel operators, the Franchising Authority and the service subscribers.

96-340 APPOINTMENT OF ACTING PUBLIC WORKS DIRECTOR AND STATUS REPORT ON ORGANIZATIONAL STRUCTURE CHANGES

County Manager John MacIntyre provided additional information to the Board concerning the next planned steps in the implementation of the new organizational structure and answered questions of the Board.

Following discussion, upon recommendation of County Manager John MacIntyre, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that Dave Roundtree be appointed as Acting Public Works Director effective April 20, 1996; and that receipt of the status report and the steps planned to continue implementing the changes in the County organizational structure be acknowledged.

96-341 STATUS REPORT - IMPLEMENTATION OF SENIOR SERVICES AT INCLINE VILLAGE - SENIOR SERVICES DEPARTMENT

Bob Stroh, Washoe County Senior Services, reviewed a status report regarding the establishment of senior services at Incline Village presenting an overview of the Department's efforts. He stated that because of numerous inquiries regarding home-delivered meals, the Department felt that implementing a senior nutrition program would serve as a good pilot program; however, a minimum of 20 individuals are needed for such a program and less than 10 people were interested. Mr. Stroh stated that the Department has exhausted all efforts to develop the program.

Don Kornreich, Incline Village resident, stated that he was part of the committee that worked with Social Services on this; and that although they were not successful at this time, he would request that this be revisited in the future.

Chairman Bradhurst stated there is a possibility that when the hospital reopens, there would be a need for the program and that the County will keep an open mind regarding this matter.

On motion by Commissioner Sims, seconded by Commissioner Shaw, which motion duly carried, it was ordered that receipt of the status report regarding establishment of senior services at Incline Village be acknowledged.

96-342 RECONSIDERATION - VARIANCE CASE NO. V11-35-95 - CAROLE DIAMOND - APPEAL - APN 123-152-06

6:00 p.m. This was the time set in a Notice of Public Hearing sent to affected property owners on April 4, 1996, by the Department of Development Review to reconsider the County Commissioner's decision to uphold the appeal of Variance Case No. V11-35-95 and grant the applicant's request, subject to conditions, to increase the allowed height of a detached garage from 12 feet to 21 feet at grade on Wassou Road and 42 feet downslope, to increase the number of allowable stories of a detached structure from one story to two stories, and to reduce the side setback from 8 feet to 6 feet to facilitate the construction of a detached garage with second story studio, (no kitchen or bathroom facilities have been requested) on property located at 344 Wassou Road, Lots 5 and 6, Block 9, Crystal Bay Park Subdivision, Unit No. 1, a .324-acre parcel designated Medium Density Suburban (MDS) in the Tahoe Area Plan and situated in a portion of Section 19, T16N, R18E, MDM, Washoe County, Nevada. The Board did conduct a site visit of subject earlier this date.

Pursuant to the Board's request at Caucus, Sharon Kvas, Department of Development Review, provided a map and information regarding the other variances granted in Crystal Bay/Incline Village. Ms. Kvas stated that this is the third de novo hearing of this case, reviewed the Board's options including the necessary findings, and answered further questions of the Commissioners.

Chairman Bradhurst opened the public hearing by calling on anyone wishing to speak regarding this variance request.

Robert Angres, attorney representing applicant, stated that the Board has already heard considerable testimony regarding this request; that the site inspection shows the need for garages in Crystal Bay; and that the current proposal is the only place to

put this particular garage. He reiterated previous comments regarding roof pitch and snow shed, stated that they still maintain that the impact on the neighbors' views does not exist, and answered questions of the Board.

Wayne Ford, designer of the project, conducted the same slide presentation as at the previous hearing, and also reiterated that most of the views will not be impacted.

Jeffrey Friedman, attorney representing neighboring property owners Steven Mayo and Larry Roderick, also presented photographs maintaining that the views of his clients will be detrimentally impacted. Mr. Friedman stated that there is no question a garage is necessary, but that the extra 6 feet in height is not necessary; and that he would question the purpose and use of the proposed studio. He also stated that it is a fact that there have been several variances for garages, but this will be the first one on this street and the first one that starts blocking views.

John Demorest stated that he is the property owner across the street from the applicant on the uphill side and that it is his view of Lake Tahoe and Diamond Peak that will be seriously compromised if this is approved and also showed the Board slide photographs.

There being no one else wishing to speak, Chairman Bradhurst closed the public hearing.

In response to Commissioner Sims, Ms. Kvas stated that she made the decision to recommend approval of this variance request because she felt the views are panoramic and the detriment was not a serious impact. A discussion then ensued concerning the Board's available options as outlined in the staff report and the Board focused on the suggested compromise of allowing the height but removing the dormers. Commissioners Mouliot and Bradhurst agreed that removing the dormers would lessen the visual impact. Chairman Bradhurst also discussed the necessity of having garages to get the cars off these narrow streets, expressed his belief that no one has ownership of a view, and stated that this compromise will minimize the impact. Commissioner Sims stated that he believes all the required findings can be made for granting this variance, even with the dormers.

Following further discussion, on motion by Commissioner Shaw, seconded by Commissioner Mouliot, which motion duly carried with Commissioner Sims voting "no," Chairman Bradhurst ordered that Variance Case No. V11-35-95 be granted to Carole Diamond, subject to the original conditions as approved by the Board on February 20, 1996, and subject to the removal of the dormers.

96-343 ADOPTION OF TAHOE COMMUNITY PLANS AS PART OF THE TAHOE AREA PLAN - COMPREHENSIVE PLANNING

6:00 p.m. This was the time set in a Notice of Public Hearing published in the North Lake Tahoe Bonanza on April 5, 1996, to consider the Washoe County Planning Commission's approval, with recommended changes, of the four Tahoe Community Plans as a part of the Tahoe Area Plan. The four community plans include the North Stateline Community Plan, the Incline Village Commercial Community Plan, the Incline Village Tourist Community Plan, and the Ponderosa Ranch Community Plan. The North Stateline Community Plan Area generally includes the tourist commercial uses in Crystal Bay along the California-Nevada state line. The Incline Village Commercial Community Plan Area generally includes the area within the Northwood-Southwood Boulevard loop.

The Incline Village Tourist Community Plan Area generally includes the area along Country Club Boulevard from Ski Way to the shore of Lake Tahoe. The Ponderosa Ranch Community Plan Area generally includes the Ponderosa Ranch and industrial uses directly north of the Ponderosa Ranch along State Route 28. The community plans are intended to guide development in the community plan areas for at least the next ten years and serve as integrated land use plans addressing physical design, commercial growth, housing, transit, traffic circulation, the environment, recreation and public services. Administrative changes are also proposed, including adoption of the GIS versions of the following Tahoe Area Plan maps: Development Suitability, Existing Land Use, Land Use Plan, Streets and Highways System Plan, and Public Services and Facilities Plan.

Romany Woodbeck, Department of Comprehensive Planning, distributed additional material, displayed large maps of each of the four planning areas, and stated that there has been very substantial community involvement and input in developing the plans for these four areas. She then reviewed each recommended element of the proposed Tahoe Community Plans by plan area and answered questions of the Board. Ms. Woodbeck also presented a Community Plan Errata detailing changes to be made to the Community Plan and related Community Plan Area Statement, which she explained in detail. Ms. Woodbeck also explained that the Washoe County Planning

Commission conducted its review and made its recommendations regarding these plans at a special meeting on April 9, 1996, and that the Tahoe Regional Planning Agency (TRPA) is conducting a simultaneous review, and that the time period for appealing Planning Commission decisions has not yet expired. Legal Counsel Madelyn Shipman advised that the Board can adopt these plans to be effective April 24, 1996, provided no appeals are filed.

Chairman Bradhurst opened the public hearing by calling on anyone wishing to speak regarding adoption of these Tahoe Community Plans.

Don Kornreich stated that as a plan team member he is encouraging the Board to adopt these plans although he does see a few problems that still need to be worked out; that one is that the VMT (vehicle miles traveled) goal is unrealistic and he will be working with TRPA to get that changed; and that his other major concern is that he feels the plan is unduly harsh to the Ponderosa Ranch and that they should be allowed the additional tourist accommodation units (TAU).

Norman Roseburg urged the Board to approve the plan so that action can be started, especially on the commercial plan. He also agreed that the Ponderosa Ranch should be allowed to have the 45 TAU's.

Joy Gums stated that she cannot believe another study is needed for the pedestrian problem in the casino area as there is no question that an aboveground pedestrian walkway is necessary; that she is opposed to home mail delivery service because the snow plows just run over the mailboxes; that she questions putting benches along State Route 28 as she cannot imagine that anybody wants to sit and watch the traffic; that the TART buses are running up and down the streets empty; that the real problems with the bike paths have not yet been addressed; and that bike and jogging paths are needed where people will not be run over by cars.

Jay Serrett, plan team member, relayed his experiences in a 20-year quest to develop commercial property at North Lake Tahoe, being caught up in the Burton-Santini regulations first and now in the TRPA regulations as well as others in between; and stated that commercial properties are needed in the area and that those who have been waiting for years should be given preferential treatment and allowed to exercise their constitutional rights to develop their property.

Lajosh Mohachy stated that the plan should be more specific regarding what can be built on certain properties.

Philip Gilanfarr, also a member of the community plan team, submitted a letter to the Board urging adoption of the Tahoe Community Plans with amendments, very similar to Ms. Woodbeck's amendments, which he discussed; and stated that he would request that the Commission send a message to the TRPA advising that the citizens are against the restrictions proposed through the EIS and that they believe each project should be evaluated and judged on its own merits. He further stated that 63,000 square feet is not nearly enough for commercial properties; that the restriction allocating the commercial floor area to State Route 28 only should be removed; and that the requirement that that floor area should be used only for renovating existing uses or upgrading properties should also be removed.

Ann Johnson, Chairman, Washoe County Planning Commission, advised that the Planning Commission approved this plan with the changes and urged the County Commission to do the same. She stated that she agrees that much more commercial floor space is needed; that something has to be done about the pedestrian traffic in the state line area, but TRPA has denied every plan they have come up with; that the Ponderosa Ranch is a tremendous economic asset to the area and should be given incentives to proceed with their improvement plans rather than placing barriers in their way; and that the 45 TAU's at the Ponderosa Ranch should be put back into the plan. Ms. Johnson stated that they went into this process determined not to be hampered by the TRPA, but when the EIS came out, several of them had "heartburn." In response to Chairman Bradhurst, Ms. Johnson stated that the plan errata is something that developed in trying to come to a compromise with the TRPA.

There being on one else wishing to speak, Chairman Bradhurst closed the public hearing.

Ms. Woodbeck provided clarification for some of the issues raised such as underground utilities and mail boxes; and stated that the bike paths are being addressed through other avenues. The Commissioners and Ms. Woodbeck then went through the plan errata to bring those recommended changes in line with the changes recommended by the Planning Commission.

Having made the necessary findings, to-wit:

1. The Tahoe Community Plans are in substantial compliance with the policies and action programs of the Comprehensive Plan. The Tahoe Community Plans conform to policies LUT.1.2, LUT.1.3, LUT.1.6, LUT.1.7, LUT.1.8, LUT.1.10, LUT.1.11, LUT.2.4, LUT.2.7, PSF.4.1, PSF.8.5 and PSF.8.6.
2. The Tahoe Community Plans will provide for land uses compatible with planned adjacent land uses and will not adversely impact the public health, safety or welfare.
3. The Tahoe Community Plans respond to changed conditions and further studies that have occurred since the plan was adopted by the County Commission.
4. The Tahoe Community Plans conform to policies and guidelines established in the Tahoe Area Plan for development of the Tahoe Community Plans.
5. The Tahoe Community Plans provide for the minimum content requirements by Washoe County for a specific plan.
6. The Tahoe Community Plans conform with Tahoe Policies and Action Programs T.1.3, T.1.4, T.2.1, T.3.1, T.5.3, T.6.3, T.6.5, T.6.6, T.6.7, and T.7.2.
7. The Washoe County Planning Commission public hearing, prior to the adoption of the proposed amendment to the Tahoe Area Plan, and the related changes to the text and maps of the plan, has been properly noticed in a newspaper of general circulation in the County as prescribed under NRS 278.210(1).
8. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.
9. The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the Washoe County Planning Commission and the Washoe County Commission, and information received during the County Commission public hearing; and upon recommendation of the Washoe Planning Commission, on motion by Commissioner Sims, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the four Tahoe Community Plans and the Community Plan Errata, as amended, be adopted as part of the Tahoe Area Plan to be effective April 24, 1996, provided there are no appeals of the Planning Commission recommendation. It was noted that the amendments to the plan errata are as follows:

CP 045 - INCLINE COMMERCIAL COMMUNITY PLAN: Delete, in its entirety, "2. Revise Action program ICCP.1.3.4 on page 8 (Land Use Element) to specify that a minimum of one third of the plan's commercial floor area shall be reserved for projects along State Route 28. Encourage the allocation to be used to upgrade existing uses."

CP 054 - PONDEROSA RANCH COMMUNITY PLAN: Change paragraph 1. to read: "Revise the Vision text on page 2 (third paragraph) to add that re-creation of a funicular railway may be considered for the Ranch."

Change paragraph 3. to read: "Clarify action program PRCP.2.1.6 on page 9 (Land Use Element) to state that additional development which may be located on the narrow terraced benches will be allowed if scenic impacts from State Route 28 can be mitigated."

LAST PAGE OF THE ERRATA, beginning on line 7: Delete the words "propose a minor plan area amendment to add" and replace with "allocate," so that it reads: "...then TRPA will allocate up to 45 additional tourist accommodation bonus units to the Plan Area."

It was further ordered that the following resolution be adopted and Chairman Bradhurst be authorized to execute on behalf of Washoe County:

ADOPTING THE AMENDED TAHOE AREA PLAN (CPA96-T-1) A PART OF THE WASHOE COUNTY COMPREHENSIVE PLAN

WHEREAS, Section 278.150 and 278.210, Nevada Revised Statutes, specifies that the Washoe County Planning Commission may prepare, adopt and amend a master (comprehensive) plan for all or any part of the County;

WHEREAS, The Washoe County Planning Commission has found that the TAHOE AREA PLAN, a part of the Washoe County Comprehensive Plan, provides a long-term general plan for the development of the County including the subject matter currently deemed appropriate for inclusion in the Comprehensive Plan;

WHEREAS, Section 278.220, Nevada Revised Statutes, specifies that the Board of County Commissioners of Washoe County, Nevada, may adopt and endorse plans for Washoe County as reported by the Planning Commission, in order to conserve and promote the public health, safety and general welfare;

WHEREAS, A public hearing on the adoption of the Washoe County Comprehensive Plan, including the TAHOE AREA PLAN, was held on May 21, 1991, by the Board of County Commissioners of Washoe County, Nevada;

WHEREAS, The Washoe County Planning Commission has submitted an amendment to the TAHOE AREA PLAN, a part of the Washoe County Comprehensive Plan, to the Board of County Commissioners of Washoe County, Nevada, for approval and adoption; and

WHEREAS, A public hearing on the adoption of the amended TAHOE AREA PLAN, a part of the Washoe County Comprehensive Plan, was held on April 16, 1996, by the Board of County Commissioners of Washoe County, Nevada; now, therefore, it is hereby

RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA, That the Board does hereby adopt and endorse the amended TAHOE AREA PLAN, a part of the Washoe County Comprehensive Plan, to serve as a guide for the orderly growth and development of Washoe County, Nevada.

96-344 COMPREHENSIVE PLAN AMENDMENT CASE NO. CPA96-T-1 - LAKE COUNTRY DEVELOPMENT - TAHOE AREA PLAN (APN: 129-500-08)

6:00 p.m. This was the time set in a Notice of Public Hearing published in the North Lake Tahoe Bonanza on April 5, 1996, to consider the recommendation of the Washoe County Planning Commission to approve Comprehensive Plan Amendment Case No. CPA96-T-1 for Lake Country Development to amend the Tahoe Area Plan, being a part of the Washoe County Comprehensive Plan, by redesignating Assessor's Parcel Number 129-500-08 from Public and Semi Public Facilities (PSP) to High Density Suburban (HDS: maximum 7du/1ac), with the net change in residential development potential from the amendment request to allow up to 50 new residential dwelling units. The parcel is located on Village Boulevard, in close proximity to Country Club Boulevard, within the jurisdiction of the Tahoe Regional Planning Agency, and within Section 10, T16N, R18E, MDM, Washoe County, Nevada.

Romany Woodbeck, Department of Comprehensive Planning, provided background information and answered questions of the Board.

Chairman Bradhurst opened the public hearing by calling on anyone wishing to speak regarding this matter.

Dale Smith, representing applicant, described the project they will be proposing if this Comprehensive Plan Amendment is approved.

Don Kornreich, North Lake Tahoe resident, stated that this is a good plan and he hopes the Board approves it.

There being no one else wishing to speak, Chairman Bradhurst closed the public hearing.

Based on the following findings:

1. The proposed amendment to the Tahoe Area Plan is in substantial compliance with the policies and action programs of the

Comprehensive Plan and the Tahoe Area Plan;

2. The proposed amendment to the Tahoe Area Plan will provide for land uses compatible with existing and planned adjacent land uses, and will not adversely impact the public health, safety or welfare;
3. The proposed amendment to the Tahoe Area Plan addresses changed conditions that have occurred since the Area Plan was adopted by the Washoe County Commission;
4. The proposed amendment to the Tahoe Area Plan promotes the desired pattern for the orderly, physical growth of the County;
5. The Washoe County Planning Commission public hearing, prior to the adoption of the proposed amendment to the Tahoe Area Plan has been properly noticed in a newspaper of general circulation in the County as prescribed under NRS 278.210(1);
6. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing; and
7. The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the Washoe County Planning Commission and the Washoe County Commission, and information received during the County Commission public hearing;

on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that Comprehensive Plan Amendment Case No. CPA96-T-1 be approved.

96-345 STATUS REPORT - BUILDING AND SAFETY DIVISION ACTION PLAN - INCLINE VILLAGE AND OTHER WASHOE PROGRAMS

Jess Traver, Washoe County Building Official, presented a status report concerning the Building and Safety Division Action Plan for Incline Village and other Washoe Programs, stating that the department established a very comprehensive goal package that included 37 identified goals for improving and streamlining the permitting, plan checking, inspection, etc., functions of the department. He highlighted the goals pertinent to Incline Village stating that the most significant of which is completion of a Memorandum of Understanding (MOU) with the Tahoe Regional Planning Agency whereby Washoe County staff will be doing the TRPA processing and checking concurrently with the County's on some projects, so that the office will be a "one-stop-shop" and plans can be approved much faster; and that procedure will begin on May 1st.

Mr. Traver complimented his Tahoe staff for working very hard and for going through the very extensive training with TRPA on their regulations in order to accomplish this goal.

Mr. Traver briefly discussed each of the established goals affecting Incline Village, from office remodels to computer upgrades, and related the progress on implementation of each.

Dan St. John, Incline Village General Improvement District, and Dale Smith and Steve Sederquist, local architects, each stated that since making these changes, it has been a real pleasure working with the Washoe County Building Department and it is now a very professional organization.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that receipt of the Status Report of the Washoe County Building and Safety Division Action Plan be acknowledged.

96-346 PROCEDURE FOR PRIORITIZING EROSION CONTROL PROJECTS - TAHOE BASIN WATER QUALITY MITIGATION PROGRAM - ENGINEERING DEPARTMENT

Dave Price, County Engineer, provided background information regarding the Tahoe Basin Water Quality Mitigation Program, describing the different types of erosion control projects and a proposed method for prioritization of projects. In response to Chairman Bradhurst, Mr. Price stated that the Nevada Tahoe Conservation District (NTCD) will do the evaluations of the large projects. Rod Mier, NTCD, stated that he is present tonight to reaffirm the District's commitment to Washoe County in assisting

with these erosion control projects, and Dan St. John, Chairman of NTCDD, explained the components of a largescale stream environment zone (SEZ) restoration project.

Following further discussion, on motion by Commissioner Shaw, seconded by Commissioner Sims, which motion duly carried, Chairman Bradhurst ordered that the prioritization system outlined in Mr. Price's agenda memorandum dated March 29, 1996, be adopted for the purpose of allocating funds to construct erosion control projects within that part of the Tahoe Basin located in Washoe County.

96-347 AUTHORIZATION TO REQUEST TRPA WATER QUALITY MITIGATION FUNDS AND TO ADVERTISE FOR BIDS - IMPROVEMENTS TO GOSHUTE ROAD - CRYSTAL BAY - ENGINEERING DIVISION

Dave Price, County Engineer, explained that the proposed project is to pave Goshute Road in the Crystal Bay Subdivision and that this is the last unpaved County-owned road in this subdivision and answered questions of the Board.

Rick Jones stated that his property adjoins Goshute Road and he is concerned about the width of the road, whether trees will have to be cut out, the height and length of the retaining wall, visibility of the rip-rap, where the drainage will be, the difference in grade, and that the estimated cost of \$45,000 is probably too low. Mr. Price addressed some of these concerns and stated that in the areas where problems still need to be addressed, staff will be working on those and working with the residents.

Upon recommendation of Kimble Corbridge, Engineering, through Dave Price, County Engineer, on motion by Commissioner Sims, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that staff be authorized to request \$45,000 from Washoe County's TRPA Water Quality Mitigation Fund allocation for the purpose of constructing improvements to Goshute Road in Crystal Bay and that staff be authorized to advertise for bids for the project after funds are secured and a TRPA permit is received.

96-348 STAFF REPORT - EVALUATION OF TEMPORARY STOP SIGN EFFECTIVENESS - LAKESHORE BLVD., INCLINE VILLAGE - ENGINEERING

Dave Price, County Engineer, updated the Board regarding the status and progress on the traffic study and temporary stop signs installed on Lakeshore Boulevard and outlined the actions staff will be taking in the near future to evaluate the effectiveness of these stop signs. He stated that staff has worked closely with the Incline Village Citizen Advisory Board on this project; that the recommendation as to whether to make the stop signs permanent will be initiated by the CAB; and that staff will present its analysis in June, 1996.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that receipt of the information be acknowledged.

96-349 PROPOSED ADVISORY QUESTION FOR NOVEMBER 1996 BALLOT - .3% REAL ESTATE TRANSFER TAX FOR INCLINE VILLAGE AND CRYSTAL BAY

County Manager John MacIntyre explained that Don Kornreich, Incline Village resident, requested that a discussion be held concerning placing a .3% real estate transfer tax on the November, 1996, ballot as an advisory question for Incline Village and Crystal Bay.

Mr. Kornreich stated that since the hour is getting late, he would request that this discussion be continued to another meeting.

Chairman Bradhurst asked if the County Commission has the ability to impose this tax if there was an advisory question on the ballot and it was approved by the people. Legal Counsel Madelyn Shipman stated that such authority has to be granted to the Board by the State Legislature and that an advisory question can be very helpful.

Roger Steele, Incline resident, spoke in opposition to the tax.

On motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that Mr. Kornreich's

request be continued to a future agenda.

96-350 STATUS REPORT - TAHOE COMMERCIAL ALLOCATION PROGRAM - COMPREHENSIVE PLANNING

Romany Woodbeck, Department of Comprehensive Planning, updated the Board regarding the status of the TRPA allocation for commercial projects and stated that a major issue has come up regarding "pipeline" projects, those being projects that were almost at the point of being officially recognized by TRPA, but for whatever reason, have not been; and that there are two property owners that staff is aware of with plans that had received at least some approvals, but had not proceeded as far as to receive TRPA approval, who feel their projects should be considered "pipeline" also. In response to Commissioner Sims, Ms. Woodbeck stated that TRPA decided to recognize only projects that had permits approved or foundations in the ground as "pipeline" projects.

Jay Serrett, who had previously discussed his project under the Tahoe Area Plan item (96-343), stated that the TRPA does have a record of his plans going back to the 1980's and that his name is on a list of "pending litigation settlement."

The Board agreed that these projects need to be looked at very closely.

Ms. Woodbeck advised that she expects the demand for commercial allocation to be approximately 5 times the amount of floor space that will be granted.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that receipt of this status report be acknowledged.

COMMUNICATIONS AND REPORTS

The following Communications and Reports were received, duly noted, and placed on file with the Clerk:

96-351 Communications

- A. Notice of Completion on Southwest Pointe Production and Exploration Wells by the Department of Public Works.
- B. Sierra Pacific Power Company's response in opposition to NOPE's request for finding of eligibility for compensation and request for compensation from a common fund or advocate's Trust Fund in the matter of their application for a Certificate of Public Convenience and Necessity to Construct and Operate the Alturas Transmission Line Project.
- C. Notice that the bids for Bid No. 1915-96 for printing of the 1995/96 Notice of Delinquent Taxes for the County Treasurer were below the amount required for Board approval and will be award by the Purchasing and Contracts Administrator.
- D. Notice from the City of Sparks of the adoption of Bill Nos. 2032 and 2034 which entails annexing land to the City as follows: 16.6 acres of land north of Wedekind Road between McCarran Boulevard and Sullivan Lane and 27.05 acres of Vista Boulevard right-of-way dedicated to the City of Sparks.

96-352 Financial Reports for the year ending June 30, 1995

- A. Truckee Meadows Regional Planning Agency
- B. Truckee Meadows Water Reclamation Facility

Reports (February 1996)

- A. Animal Control
- B. County Clerk
- C. Court Clerk

D. Social Services
E. Sheriff's Detention Bureau

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There being no further business to come before the Board, the meeting adjourned at 10:20 p.m.

STEPHEN T. BRADHURST, Chairman
Washoe County Commission

ATTEST: JUDI BAILEY, County Clerk